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Patent Docket P1192-2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Fong et al.

Serial No.: 09/816,920

Filed: March 22, 2001

For: *Novel Polypeptides and Nucleic Acids
Encoding Bolekine*

Group Art Unit: 1647

Examiner: Deberry, R.M.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

July 2, 2003

Teri Lee

AMENDMENT UNDER 37 C.F.R. §1.111

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated May 20, 2003 (Paper No 11) please consider the following arguments and remarks.

The Commissioner is authorized to charge any additional fees which may be required, including extension fees, or credit any overpayment to Deposit Account No. 07-0630.

REMARKS AND ARGUMENTS

I. THE REJECTION

A. The Rejection under 35 U.S.C. § 101

The Examiner has rejected Claims 15-17, 19, 20, 27-31 and 47 under 35 U.S.C. § 101 as allegedly lacking in substantial utility. Applicants respectfully traverse the rejection. The Bolekine polypeptide as claimed is useful in treating infection as described in the specification on page 56, lines 33-35.

"Bolekine may be useful in treating infection, as local administration of the polypeptide would stimulate immune cells already present at the site of infection and induce more immune cells to migrate to the site, thus removing the infection at a faster rate."

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